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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/715,069

11/20/2000

Hermann Kuenzner

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7590

05/03/2006

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EXAMINER

VU, KIEU D

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/715,069

Applicant(s)

KUENZNER, HERMANN

Examiner

Kieu D. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 15-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 15-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghitea, Jr. et al ("Ghitea, Jr. ", U.S.P 5693876) and Menig et al ("Menig", U.S.P 6289332) and Hosaka et al ("Hosaka", USP 4551803).

Regarding claims 1 and 5, Ghitea, Jr. teaches a process and an indicator for visually display of fuel consumption in motor vehicles (see figures 5 and 7) with an electronically controllable display (72), where the display is controlled in such a manner that at least two sets of information (see figure 5, see lines 150 and 152 of figure 7), having an interrelated effect are displayed as a comparison by graphical representation (col 9, lines 49-62). Ghitea, Jr. differs from the claims in that Ghitea, Jr. does not teach that the two sets of information are displayed at the same place alternating with the same type of graphic. However, such feature is well known in the art. For example, Menig teaches an integrated message display system for a vehicle wherein two sets of information are displayed at the same place alternating with the same type of graphics (for example, information on screen 910 and information on screen 908 are displayed on the same display screen 120 alternating in response to detection of predetermined vehicle condition) (see Fig. 9) (col 12, lines 24-47) with the advantage being to provide

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more messages (current message, function message, system failure message, or danger ahead message; col 2, lines 11-29) to the user on a single display screen . It would have been obvious to one of ordinary skill in the art, having the teaching of Ghitea, Jr. and Menig before him at the time the invention was made, to modify Ghitea, Jr. 's fuel consumption to include displaying two messages alternately at the same place with the same type of graphic (see screen 910 and 908 in Fig. 9) taught by Menig with the motivation being to make available more information at a single display screen (Menig; col 2, lines 11-29). Ghitea, Jr. and Menig do not teach that two sets of information relate to an amount of fuel in said motor vehicle and a distance range said motor vehicle can travel before exhausting said amount of fuel. However, such feature is known in the art as taught by Hosaka. Hosaka teaches that display device 366 alternatively shows vehicle travel distance and fuel consumption (Fig. 3) (col 8, lines 24-29) (col 9, lines 28-29). It would have been obvious to one of ordinary skill in the art, having the teaching of Ghitea, Jr., Menig, and Hosaka and before him at the time the invention was made, to include alternative showing vehicle travel distance and fuel consumption taught by Hosaka in the visual display taught by Ghitea, Jr. and Menig so that vehicle travel distance and fuel consumption can be graphically displayed to drivers in a single display screen. The graphic display of vehicle travel distance and fuel consumption enables drivers to quickly and easily recognize these parameters at glance.

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Regarding claims 2 and 6, Ghitea, Jr. teaches the use of bar graph (Fig. 5) to display information.

Regarding claims 3-4 and 7-8, Ghitea, Jr. teaches the use of different colors (color coding) to display different information. See col. 11, lines 54-59.

Regarding claims 15 and 19, Ghitea, Jr. teaches a process and an indicator for visually display of fuel consumption in motor vehicles (see figures 5 and 7) with an electronically controllable display (72), where the display is controlled in such a manner that at least two sets of information (see figure 5, see lines 150 and 152 of figure 7), having an interrelated effect are displayed as a comparison by graphical representation (col 9, lines 49-62). Ghitea, Jr. differs from the claims in that Ghitea, Jr. does not teach that the two sets of information are displayed at the same place alternating with the same type of graphic. However, such feature is well known in the art. For example, Menig teaches an integrated message display system for a vehicle wherein two sets of information are displayed at the same place alternating with the same type of graphics (for example, information on screen 910 and information on screen 908 are displayed on the same display screen 120 alternating in response to detection of predetermined vehicle condition) (see Fig. 9) (col 12, lines 24-47) with the advantage being to provide more messages (current message, function message, system failure message, or danger ahead message; col 2, lines 11-29) to the user on a single display screen. It would have been obvious to one of ordinary skill in the art, having the teaching of Ghitea, Jr. and Menig before him at the time the invention was made, to modify Ghitea, Jr. 's fuel consumption to include displaying two messages alternately at the same place with the same type of graphic (see screen 910 and 908 in Fig. 9) taught by Menig with

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the motivation being to make available more information at a single display screen (Menig; col 2, lines 11-29). Ghitea, Jr. and Menig do not teach that two sets of information relate to a distance range said motor vehicle can travel before exhausting an amount of fuel in said motor vehicle and a distance said motor vehicle has to travel to reach an entered destination. However, such feature is known in the art as taught by Hosaka. Hosaka teaches that display device 366 alternatively shows vehicle travel distance and fuel consumption (Fig. 3) (col 8, lines 24-29) (col 9, lines 28-29). It would have been obvious to one of ordinary skill in the art, having the teaching of Ghitea, Jr., Menig, and Hosaka before him at the time the invention was made, to include alternative showing vehicle travel distance and fuel consumption taught by Hosaka in the visual display taught by Ghitea, Jr. and Menig so that vehicle travel distance and fuel consumption can be graphically displayed to drivers in a single display screen. The graphic display of vehicle travel distance and fuel consumption enables drivers to quickly and easily recognize these parameters at glance.

Regarding claims 16 and 20, Ghitea, Jr. teaches the use of bar graph (Fig. 5) to display information.

Regarding claims 17-18 and 21-22, Ghitea, Jr. teaches the use of different colors (color coding) to display different information. See col. 11, lines 54-59.

3. Claims 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghitea, Jr. et al ("Ghitea, Jr. ", U.S.P 5693876) and Menig et al ("Menig", U.S.P 6289332) and Cerruti (European Patent Application 0091887).

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Regarding claims 23 and 27, Ghitea, Jr. teaches a process and an indicator for visually display of fuel consumption in motor vehicles (see figures 5 and 7) with an electronically controllable display (72), where the display is controlled in such a manner that at least two sets of information (see figure 5, see lines 150 and 152 of figure 7), having an interrelated effect are displayed as a comparison by graphical representation (col 9, lines 49-62). Ghitea, Jr. differs from the claims in that Ghitea, Jr. does not teach that the two sets of information are displayed at the same place alternating with the same type of graphic. However, such feature is well known in the art. For example, Menig teaches an integrated message display system for a vehicle wherein two sets of information are displayed at the same place alternating with the same type of graphics (for example, information on screen 910 and information on screen 908 are displayed on the same display screen 120 alternating in response to detection of predetermined vehicle condition) (see Fig. 9) (col 12, lines 24-47) with the advantage being to provide more messages (current message, function message, system failure message, or danger ahead message; col 2, lines 11-29) to the user on a single display screen. It would have been obvious to one of ordinary skill in the art, having the teaching of Ghitea, Jr. and Menig before him at the time the invention was made, to modify Ghitea, Jr.'s fuel consumption to include displaying two messages alternately at the same place with the same type of graphic (see screen 910 and 908 in Fig. 9) taught by Menig with the motivation being to make available more information at a single display screen (Menig; col 2, lines 11-29). Ghitea, Jr. and Menig do not teach that two sets of information relate to an average fuel consumption of said motor vehicle and a current

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fuel consumption of said motor vehicle. However, such feature is known in the art as taught by Cerruti. Cerruti teaches visual display zone 5 presents signals corresponding to the fuel consumption and average fuel consumption (page 3, lines 16-19). It would have been obvious to one of ordinary skill in the art, having the teaching of Ghitea, Jr., Menig, and Cerruti before him at the time the invention was made, to include alternative showing fuel consumption and average fuel consumption taught by Cerruti in the visual display taught by Ghitea, Jr. and Menig so that fuel consumption and average fuel consumption can be graphically displayed to drivers in a single display screen. The graphic display of fuel consumption and average fuel consumption enables drivers to quickly and easily recognize these parameters at glance.

Regarding claims 24 and 28, Ghitea, Jr. teaches the use of bar graph (Fig. 5) to display information.

Regarding claims 25-26 and 29-30, Ghitea, Jr. teaches the use of different colors (color coding) to display different information. See col. 11, lines 54-59.

4. Applicant's arguments filed 02/15/06 have been fully considered but they are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a



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reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to Applicant's argument "in the Ghitea reference....However, the claims require that the two sets of information displayed in the same type [of] graphics (e.g. both bar graphs)....It is the same type [of] graphics....in which the information is displayed", it is noted that this argument attacks the reference individually since the Menig reference teaches that two sets of information are displayed at the same place alternating with the same type of graphics (Menig, Fig. 9, col 12, lines 24-47).

It is also noted that although applicant argues that the type of graphics is bar graph, the limitation "bar graph" is not recited in the claims. Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicant's argument "in the Menig reference....However, the claims require that the two sets of information are displayed as comparison.....are not comparison information as recited in the claims", it is noted that this argument attacks the reference individually since the Ghitea reference teaches that the two sets of information are displayed as comparison (Ghitea, col 9, lines 49-62).

In response to Applicant's argument "The Hosaka reference.....shows a display that provides information in numerical form, and not in the same type graphical representation", it is noted that this argument attacks the reference individually since the Menig reference teaches that two sets of information are displayed at the same place

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alternating with the same type of graphics (Menig, Fig. 9, col 12, lines 24-47).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

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and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu D. Vu  
Primary Examiner